

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
 Judge Wm. Terrell Hodges  
 United States District Court  
 Middle District of Florida

**MEMBERS:**  
 Judge John F. Keenan  
 United States District Court  
 Southern District of New York  
  
 Judge Bruce M. Selya  
 United States Court of Appeals  
 First Circuit  
  
 Judge D. Lowell Jensen  
 United States District Court  
 Northern District of California

Judge J. Frederick Motz  
 United States District Court  
 District of Maryland  
  
 Judge Robert L. Miller, Jr.  
 United States District Court  
 Northern District of Indiana  
  
 Judge Kathryn H. Vratil  
 United States District Court  
 District of Kansas

**DIRECT REPLY TO:**

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 Judiciary Building  
 Room G-255, North Lobby  
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<http://www.jpml.uscourts.gov>

June 4, 2004

Felicia C. Cannon, Clerk  
 Edward A. Garmatz Federal  
 Building & U.S. Courthouse  
 101 W. Lombard Street  
 Baltimore, MD 21201-2690

Re: MDL-1586 -- In re Mutual Funds Investment Litigation

(See Attached Schedule CTO-5)

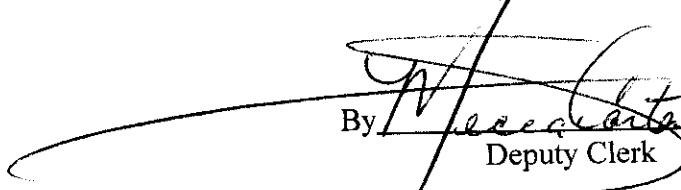
Dear Ms. Cannon:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule May 3, 2004. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
 Clerk of the Panel

By   
 Michael J. Beck  
 Deputy Clerk

Attachments

cc: Transferee Judges: Judge J. Frederick Motz; Judge Andre M. Davis;  
 Judge Frederick P. Stamp, Jr.; Judge Catherine C. Blake  
  
 Transferor Judges: (See Attached List of Judges)  
 Transferor Clerk: Tony Anastas, Clerk

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 19 2004

FILED  
CLERK'S OFFICE**DOCKET NO. 1586*****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION******IN RE MUTUAL FUNDS INVESTMENT LITIGATION******(SEE ATTACHED SCHEDULE)******CONDITIONAL TRANSFER ORDER (CTO-5)***

On February 20, 2004, the Panel transferred 91 civil actions to the United States District Court for the District of Maryland for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 210 additional actions have been transferred to the District of Maryland. With the consent of that court, all such actions have been assigned to the Honorable J. Frederick Motz, the Honorable Andre M. Davis, the Honorable Frederick P. Stamp, Jr., and the Honorable Catherine C. Blake.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Maryland.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Maryland for the reasons stated in the order of February 20, 2004, \_\_\_\_ F.Supp.2d \_\_\_\_ (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable J. Frederick Motz, the Honorable Andre M. Davis, the Honorable Frederick P. Stamp, Jr., and the Honorable Catherine C. Blake.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Maryland. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Inasmuch as no objection is pending at this time, the stay is lifted.

JUN - 4 2004

Michael J. Beck

Michael J. Beck  
Clerk of the Panel

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-5 - TAG ALONG ACTIONS  
DOCKET NO. 1586  
IN RE MUTUAL FUNDS INVESTMENT LITIGATION**

**DISTRICT DIV. C.A.#**

**MASSACHUSETTS**

MA	1	03-12514	Oliver S. Trone v. MFS Capital Opportunities Fund, et al.
MA	1	03-12515	Delores B. Manson, etc. v. Massachusetts Financial Services Co., et al.
MA	1	03-12520	David Shaev v. Massachusetts Financial Services Co.
MA	1	03-12536	Danielle Adams, et al. v. MFS Capital Opportunities Fund, et al.
MA	1	03-12545	Steven Greenberg v. Massachusetts Financial Services Co., et al.
MA	1	03-12570	Jacob Elephant, et al. v. Massachusetts Financial Services Co., et al.
MA	1	03-12595	Zachary Alan Starr, etc. v. Massachusetts Financial Services Co., et al.
MA	1	03-12622	Yakov Burstein, IRA, et al. v. MFS Global Telecommunications Fund, et al.
MA	1	03-12629	Anita Walker v. Massachusetts Financial Services Co., et al.
MA	1	04-10009	Albert Feldman v. Massachusetts Financial Services Co., et al.
MA	1	04-10010	Ed Casey v. Massachusetts Financial Services Co.
MA	1	04-10252	Hugh F. Boyd, III, et al. v. Massachusetts Financial Services Co., et al.
MA	1	04-10253	Harold A. Berger v. Massachusetts Financial Services Co., et al.
MA	1	04-10315✓	Catherine Dukes v. Columbia Acorn Fund, et al.
MA	1	04-10355✓	AB Medical Equipment Corp. v. FleetBoston Financial Corp., et al.
MA	1	04-10408✓	Lawrence S. Wick, et al. v. FleetBoston Financial Corp., et al.
MA	1	04-10434	Diane Hutto, etc. v. Massachusetts Financial Services Co., et al.
MA	1	04-10452	Boris Fieldman, etc. v. Massachusetts Financial Services Co., et al.
MA	1	04-10534✓	George Slaybe, et al. v. Columbia Management Adviros, Inc.
MA	1	04-10555	David Armetta, etc. v. FleetBoston Financial Corp., et al.
MA	1	04-10556	Todd Klein, etc. v. John A. Hill, et al.
MA	1	04-10557	Steven Wiegand, etc. v. John A. Hill, et al.
MA	1	04-10567✓	Edward I. Segel, et al. v. FleetBoston Financial Corp., et al.
MA	1	04-10603✓	Luann K. Caprio v. Columbia Acorn Fund, et al.

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**DOCKET NO. 1586**  
**IN RE MUTUAL FUNDS INVESTMENT LITIGATION**

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